

**Before The Federal Communications Commission**

*"The Appalachian Sportsman"*  
Raymond Hickman: **Petitioner**  
Appalachian Outdoor Productions  
Rt. 3 Box 112-A  
Elizabeth WV. 26143  
Phone:  
304-275-3253 (home)  
304-482-0265 (cell)

**PETITION FOR EXEMPTION FROM:  
CLOSED CAPTIONING REQUIREMENTS  
ACCORDING TO UNDUE BURDEN.  
(47 C.F.R. & 79.1 (f)).**

Reference: **CGB-CC-0220**

COMES NOW: The Appalachian Sportsman and its video programming producers (Appalachian Outdoor Productions) and owner Raymond Hickman for a petition for exemption from closed captioning requirements and states as follows.

I do not wish to claim ignorance of the law as a defense, but it is the only one I have. As a small up start company I produce a local outdoor show that started in Jan. of 2005. Around the middle of Oct of 2005 the broadcast station approached me with the FCC compliancy rules and expected me to be compliant by Jan. first of 2006. At this time I am searching for someone to caption the show at a rate that I can afford, I have received several quotes (which are included) that range from \$250 per show to \$450 per show. The turn around time is very slow "due in part to the high demand of other program providers seeking captioning as well." The cost of purchasing the equipment to caption in house varies from \$4,000 to over \$13,000 depending on the system. (see enclosed estimates) The impact finically at this point would put me out of business, enclosed is an affidavit concerning the finances of Appalachian Outdoor Productions, the cost of airing the show, the amount of monies collected from sponsors on the show, and the projected cost of closed captioning the show. Another factor to consider is the amount of time spent in closed captioning. As a small production company, I alone shoot, edit and produce the material used to make the show, this adds up to an estimated 60 hrs per week. Adding another job would get overwhelming.

As an independent production company "Appalachian Outdoor Productions" produces an outdoor show named "The Appalachian Sportsman". This show airs on one local hometown broadcast network (WTAP channel 15) which is an affiliate of NBC. There are revenue's that are generated from the sale of :30 second commercials that are played at various times within the show . The revenue varies according to the number of sponsors on the show at any given time. Currently the show has three full time sponsors that are committed to 52 weeks of advertising, with 3 other intermittent sponsors throughout the year. In plain English, I generate enough money to cover the cost of air time with a little left over for some basic editing supplies; I take no salary from the revenue generated from the show, so with just the added cost of closed captioning there would be a deficit of approximately \$5,020.

Enclosed is a contract schedule for air time with the broadcast station (WTAP channel 15, Parkersburg WV), my cost per show is \$220, there are a total of 52 shows per year, for a total cost of \$11,440. Adding to this is the cost of on air voice talent at \$2,600 per year, enclosed is a financial statement for all of the money collected in 2006 totaling \$14,200 leaving a profit of \$1,480, adding the proposed closed captioning cost to this brings my yearly budget to -\$5,020, I have no money to cover this.

Thank you for your time in examining this petition, it is my request that you would grant me exemption according to the information presented in this petition.

Respectfully:  
Raymond Hickman

Dated this 6<sup>th</sup> of November, 2006

Signed Raymond Hickman

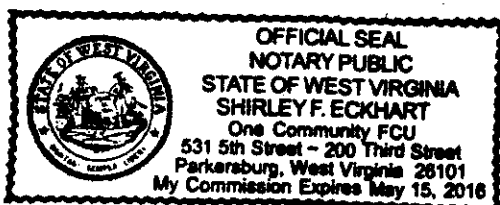
Name RAYMOND HICKMAN

Taken, subscribed, and sworn before me this 6<sup>th</sup> of November, 2006.

My commission expires: May 15, 2016

Signed Shirley F. Eckhart

Notary Public.



## Affidavit

State of West Virginia,  
County of Wirt,  
To: Witt

Reference: **CGB-CC-0220**

### Paragraph 1

My name is Raymond Hickman and I am the owner and operator of Appalachian Outdoor Productions [Rt. 3 Box 112-A Elizabeth WV. 26143]

### Paragraph 2

I have filed a petition for exemption of closed captioning with the FCC concerning the subject of undue burden according to (47 C.F.R. & 79.1 (f)).

### Paragraph 3

My company is finically unable to support the burden of closed captioning according to standards set by the FCC. There are no financial resources to support said requirements.

### Paragraph 4

Attached is a financial Statement and documents supporting said petition along with estimates for closed captioning, and,or the equipment to closed caption within the business.

### Paragraph 5

To the best of my knowledge, information, and belief the contents of said petition and attached supporting documents are true and correct.

Dated this 6<sup>th</sup> of November, 2006,

Signed Raymond Hickman

Name RAYMOND HICKMAN

Taken, subscribed, and sworn before me this 6<sup>th</sup> of November, 2006.

My commission expires: May 15, 2016

Signed Shirley F. Eckhart

Notary Public.



**QUOTE****Edgemont Video, Inc.***Video Equipment Sales*

875 Old Brewer Road N, Edgemont, AR 72044  
Phone 870.948.2378 Fax 870.948.2474  
sales@edgemontvideo.com

**INVOICE # [100]****DATE: APRIL 13, 2006****EXPIRATION DATE MAY 11, 2006**

TO Ray Hickman  
Route 3, Box 112A  
Elizabeth, WV 26143  
304-275-3253  
boatadventures@yahoo.com

SALESPERSON	JOB	SHIPPING METHOD	SHIPPING TERMS	DELIVERY DATE	PAYMENT TERMS	DUE DATE
PDH					Due on receipt	

QTY	ITEM #	DESCRIPTION	UNIT PRICE	DISCOUNT	LINE TOTAL
1	PCE-845D	Link Electronics Closed Caption Encoder, line 21, F1 & F2, with decoder	\$1200		\$1,200
1	EZC	EZCaption XP Software	\$1299		\$1,299
				<b>TOTAL DISCOUNT</b>	
				<b>SUBTOTAL</b>	
				<b>SALES TAX</b>	
				<b>TOTAL</b>	<b>\$2,499</b>

Quotation prepared by: Phillip Hullquist

This is a quotation on the goods named, subject to the conditions noted below: (no conditions)

**THANK YOU FOR YOUR BUSINESS!**

National Captioning Institute  
1900 Gallows Road  
Suite 3000  
Vienna, Virginia 22182



April 13, 2006

In reply to: Captioning Quote Request

Ray Hickman  
Appalachian Outdoor Productions  
Rt. 3 Box 112-A  
Elizabeth WV. 26143

Dear Mr. Hickman,  
Subject: Captioning Quote

Thank you for your interest in providing closed-captioning for deaf and hard of hearing television viewers. It is my understanding that you would like a price quote for captioning 26, half-hour episodes of a program airing on Appalachian Outdoor Network. The National Captioning Institute would love to work with you on making this program accessible to everyone.

The rate would be \$225 per half-hour program, for timed roll-up captioning. In addition, to encode to a half-hour DVCPRO submaster, the rate is \$130 per tape. We generally use our client's shipping account to deliver the masters and captioned sub masters back upon completion. If you'd like us to bill you for shipping, we could do that as well.

Please feel free to call or email with any questions you may have. You can reach me by phone at 703.917.7787 or email to [bfraser@ncicap.org](mailto:bfraser@ncicap.org).

Respectfully,

Brittany Fraser  
Account Executive  
NCI

## Quote

April 11, 2006

Ray Hickman  
Route 3, Box 112A  
Elizabeth, WV 26143

Dear Ray:

I am pleased to offer the following quote:



"Media Access Technology"

**203 / 758 / 8667**

FAX

**203 / 758 / 8693**

FAX

**<http://www.ultech.com>**

WEB SITE

**[mail@ultech.com](mailto:mail@ultech.com)**

E-MAIL

**ULTECH LLC**

1255 Middlebury Road  
Middlebury/CT/06762

QTY	Product	Description	Price
1	Caption Mic 'Live Event' System	Speech Recognition Captioning system. Includes: Caption Mic software, notebook computer, analog encoder, headset microphone, cables and manuals	\$7,695.00
1	Caption Wrap	Optional Post Production Caption Edit software	\$2,100.00

Delivery: 2 - 3 weeks ARO

Please fax orders to the attention of Joanne at fax# 203-758-8693.

We require 3 trade references and bank reference at time of order for N30 terms. We also accept Visa, Mastercard and American Express.

This quote does not include shipping charges. The customer is responsible for freight charges

ULTECH LLC is not responsible for collecting sales tax in any states other than Connecticut and California.

California requires collection of an Electronic Waste Recycling Fee. Fee will be calculated at time of order.

Sincerely Yours,

Mark Hall  
Director of Sales ULTECH/Caption Mic

**From:** "Alexandria Briare" <abriare@visualdatainc.com>

**To:** boatadventures@yahoo.com

**Subject:** CC - 28:30 Weekly Hunting & Fishing Show

**Date:** Tue, 11 Apr 2006 16:46:57 -0700

Good afternoon Ray..

It was a pleasure speaking with you earlier. In speaking with you I totally understand your frustration..I do sympathize with you...I know how tough this is on the 'small guy' who's trying to break into the broadcast community...it's a bear!

Regarding your show...I honestly think the best way to handle your show is by you sending me a Mini DV or BCSP, we'll then create you an new CC BCSP or DVCAM . We would then send the new CC submaster to your local station and would vault your original masters here...Once we had about 4 or 5 of them, we could then do a bulk shipment to you, which would then save you money.

The cost to create a CC BCSP or DVCAM Roll-Up Submaster:

**30:00 Roll-Up Closed-Captioning  
Encoding onto BCSP or DVCAM  
BCSP or DVCAM NTSC CC master**

**Total for all the above - \$250.00 per 30:00 episode (you mentioned you will eventually have 26 episodes throughout the year )**

Ray, I hope this covers everything. Let me know if you need anything else.

Again, I look forward to hearing back from you ... and good luck!

Kindly,

XAlexandria

Alexandria Briare  
VP of Sales  
**Visual Data Media Services, Inc.**  
145 West Magnolia Blvd.  
Burbank , CA 91502  
818-558-3363 (office)  
818-845-2550 (fax)

**PARKERSBURG**

**MARIETTA**

ONE TELEVISION PLAZA • PARKERSBURG, WV 26101-5373

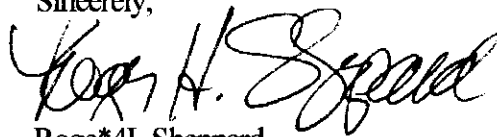
Dec. 30, 2005

To Whom It May Concern:

In light of the FCC's requirement that virtually all local programming be closed captioning starting Jan. 1, 2006, WTAP has been asked if it can insert closed-captioning material into a pre-produced program it has been provided by an outside vendor.

WTAP does NOT have the technical wherewithal to create and encode captioning into such pre-produced programming.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger L. Sheppard". The signature is fluid and cursive, with the first name "Roger" and last name "Sheppard" clearly distinguishable.

Roger L. Sheppard  
VP/GM, WTAP-TV





ARKERSBURG  MARIETTA

ONE TELEVISION PLAZA

ARKERSBURG, WV. 26101

(304) 485-4588

APPALACHIAN OUTDOOR

ATT: RAY HICKMAN

RT 3 BOX 112-A

ELIZABETH, WV

26143

AGENCY 4168.....APPALACHIAN OUTDOOR  
ADVERTISER 4169.APPALACHIAN SPORTSMAN  
TO BE LOGGED AS APPALACHIAN SPORTSMAN

CONTRACT NUMBER.8678

ORDER DATE.....01/27/06

ORDER START-END.02/05/06 - 12/31/06

REVISION DATE...01/31/06 REVISION # 00

TOTAL SPOTS..... 46

SALESPERSON.....HOUSE

SALES OFFICE....WTAP-TV

ACCOUNT TYPE....LOC BILLING..MO

AGENCY ESTIMATE. DEMO....

BUYER NAME.....RAY HICKMAN

BUYER PHONE.....482-0256

\* INDICATES LINE ITEM REVISION

MONTH	OCC.	RATE	EXTENSION
FEB	4	220.00	880.00
	2	220.00	440.00
GROSS.....			440.00
MAR	4	220.00	880.00
GROSS.....			880.00
APR	5	220.00	1,100.00
GROSS.....			1,100.00
MAY	4	220.00	880.00
GROSS.....			880.00
JUNE	4	220.00	880.00
GROSS.....			880.00
JULY	5	220.00	1,100.00
GROSS.....			1,100.00
AUG	4	220.00	880.00
GROSS.....			880.00
SEPT	4	220.00	880.00
GROSS.....			880.00
OCT	5	220.00	1,100.00
GROSS.....			1,100.00
NOV	4	220.00	880.00
GROSS.....			880.00
DEC	5	220.00	1,100.00
GROSS.....			1,100.00

EM	BROADCAST DATES	SPOTS	LENGTH	SCHEDULE	BROADCAST PATTERN							WEEKLY OCC.	TOTAL OCC.	RATE/PLAN
					MON	TUE	WED	THU	FRI	SAT	SUN			
	02/05/06-12/31/06	1		11:30A								1	1	48 220.00
01	02/19/06	1		SCH CHG								1	1	-1 220.00
02	02/26/06	1		SCH CHG								1	1	-1 220.00

CONTRACT/CONFIRMATION

THIS IS A CONTRACT ONLY.  
PLEASE DO NOT PAY FROM THIS AFFIDAVIT.

GROSS AMOUNT... 10,120.00  
AGENCY COMM.... 00  
DISCOUNT TOTAL... 10,120.00  
CONTRACT TOTAL... 10,120.00

ACCEPTED-AGENCY/ADVERTISER

DATE

ACCEPTED-STATION

DATE

## Financial Statement For Appalachian Outdoor Productions

	Monthly Commitment :30 second comm.	Yearly Commitment :30 second comm.
Astorg Ford		\$ 4,800.00
Woodlands World		\$ 4,800.00
O.C.F.Credit Union		\$ 2,400.00
Affordable Scooters	\$ 1,200.00	
Backwater Baits	\$ 600.00	
Boones Bow Shop	\$ 400.00	
	Total Revenue Received	\$ 14,200.00
Air Time Cost		\$ 10,120.00
On Air Voice Talent		\$ 2,600.00
	Total Projected Profit	\$ 1,480.00
Minus Projected Captioning Cost		\$ 6,500.00
Projected Loss For 2007		\$ (5,020.00)